

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

LEGACY HOUSING CORPORATION,

Plaintiff,

V.

1:21-CV-1156-RP

CITY OF HORSESHOE BAY, TEXAS,
HORSESHOE BAY PROPERTY OWNERS
ASSOCIATION, JAFFE INTERESTS, LP,
f/k/a HORSESHOE BAY RESORT LTD.
f/k/a HORSESHOE BAY RESORT INC.,
and HORSESHOE BAY RESORT
DEVELOPMENT, LLC,

Defendants.

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin M. Howell concerning Defendant City of Horseshoe Bay, Texas's ("the City") Partial Motion to Dismiss (Dkt. 48) (R. & R., Dkt. 82). Plaintiff timely filed objections to the report and recommendation, (Objs., Dkt. 83), and the City filed a response (Resp., Dkt. 84).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

In its objections, Plaintiff stated that, should the Court adopt the report and recommendations, Plaintiff requests leave to amend its Second Amended Complaint to address the

deficiencies raised by the report. (Objs., Dkt. 83). The Court requires parties to file separate pleadings or motions for separate purposes. *See* W.D. Tex. Admin. Pol. & Proc. for Electronic Filing in Civil and Criminal Cases § 12(e) (“Each filing must consist of only one pleading. Multiple pleadings . . . must be filed as separate documents.”). Therefore, the Court construes Plaintiff’s filing solely to be objections to the report and recommendation. Plaintiff may file a separate motion for leave to amend its Second Amended Complaint if it so wishes.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin M. Howell, (Dkt. 82), is **ADOPTED**.

IT IS FURTHER ORDERED that the City’s Partial Motion to Dismiss (Dkt. 48) is **GRANTED**.

IT IS FINALLY ORDERED that Plaintiff’s § 1983 claims against the City for violations of substantive and procedural due process, equal protection, and conspiracy are **DISMISSED WITHOUT PREJUDICE**. Plaintiff’s civil conspiracy claim against the City is **DISMISSED WITH PREJUDICE**.

SIGNED on September 25, 2023.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE